



Village of Downers Grove • 9901 North Ave. • Downers Grove, IL • 60015 • (630) 265-6400

Division 4. Discontinuance of Service

EPA Region 5 Records Ctr.



265640

25-34. Authority to discontinue service.

The Village may discontinue service when any customer fails to do any of the following:

- (a) Correct the condition of waste, tampering or unauthorized use required by a notice issued pursuant to Section 25-10; or
- (b) Make a deposit or increase a deposit pursuant to Sections 25-18 or 25-19; or
- (c) Pay a past due bill owed to the Village for the water service furnished at the same or at another location or
- (d) Make payment in accordance with the terms of a deferred payment agreement as described in Section 25-36; or
- (e) Provide Village representatives with access to the metering device as required by Section 25-23 and Section 25-6.
- (f) Provide Village representatives with access for purposes of inspecting the potable water pipes and fixtures as described in Section 25-6. (Ord. No. 2942, § 1.)

25-35. Procedure.

- (a) Notice shall be mailed to the customer whose water service may be discontinued under authority of Section 25-34. The notice shall inform the customer of the payment or other action required to prevent discontinuance of service, the date by which such payment or other action must be made (which date shall not be less than ten days from the date such notice is mailed), the charges for disconnection and reconnection of service, and the person or department with authority to resolve disputes.
- (b) Except as provided in subsection (c) below, water service may be discontinued, at the sole discretion of the Village, without further notice to the owner or occupant of the premises, in the event that the customer has failed to correct the condition specified in the written notice.
- (c) Water service shall not be discontinued to any building in which multiple residential or commercial units are served through a common metering device until the Village has mailed, delivered or posted on premises a notice to all lessees or tenants, which notice shall comply with the requirements of subsection (a). (Ord. No. 2942, § 1.)

25-36. Deferred payment agreements.

- (a) Customers who are indebted to the Village for past due water service shall have the opportunity to make arrangements to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement; except that customers who have failed to make payment under such a plan during the past

twelve months shall not be afforded such opportunity.

(b) The terms and conditions of a deferred payment agreement, including the interest to be paid, shall be determined by the village treasurer after consideration of the following:

- (1) Size of the past due account; and
- (2) Customer's ability to pay; and
- (3) Customer's payment history; and
- (4) Reasons for the outstanding indebtedness; and
- (5) Any other relevant factors relating to the circumstances of the customer's service.

(c) In no event shall a deferred payment agreement be entered into unless the customer pays a minimum one-fourth of the amount past due and owing at the time of entering into the agreement.

(d) A deferred payment agreement shall be in writing, with a copy provided to the customer, and shall conform to the following requirements:

- (1) The customer shall be required to pay all future bills for utility service by the due date; and
- (2) The customer shall retire the debt according to the terms of the deferred payment agreement, which shall allow a minimum of two months and a maximum of twelve months to retire the debt.

(e) *If a customer shall default in any payment due under the deferred payment agreement, the village shall have the right to discontinue service pursuant to Sections 25-34 and 25-35. (Ord. No. 2942, § 1.)*

25-37. Collection of unpaid charges by lien on property.

(a) Whenever the charges for water services remain unpaid for sixty days after the date they become due and payable, the Village Treasurer shall cause to be filed with the recorder of DuPage County, a statement of lien claim covering the amount claimed by the Village as delinquent for the water department service rendered to the premises. This statement shall contain a description of such real estate sufficient for identification thereof; the amount of money due for such water services; and the date when such amount became delinquent. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said recorder's office.

(b) If the Village Treasurer has notice that the consumer to whom the water services were supplied is not the legal owner of the premises, notice shall be mailed to the legal owner of the premises at his last-known address, whenever charges for water services remain unpaid for a period of sixty days after they become due and payable. Failure of the Village Treasurer to mail such notice or to record such lien claim, or the failure of the legal owner to receive such notice, shall not affect the right of the Village to foreclose the lien for unpaid water service charges as provided for in this section.

(c) The Village Treasurer is authorized to notify the Village Attorney to institute such proceedings as shall be necessary to enforce the liens of the Village filed in accordance with this section.

(d) The remedy by enforcement of lien claims for unpaid water service charges shall not be exclusive of any other legal remedy to collect the amounts delinquent. (Ord. No. 2942, § 1.)

Article III. Connections and Extensions

25-38. Permit—Required; exception.

A permit shall be required to connect, extend or use water from the water system of the Village of Downers Grove, except that authorized members of the fire department, the department of public works or other persons specifically authorized by the Village Council shall be allowed to connect, extend or use water in any manner without a permit. (Ord. No. 2942, § 1.)

25-39. Same—Application.

All applications for permits as required by Section 25-38 hereof shall be made in writing to the Village Council in the form as reasonably required and approved by the Village Manager. (Ord. No. 2942, § 1.)

25-40. Same—Fees.

Each application to connect service or supply pipes to the water system mains shall be accompanied by payment of a water service connection fee determined in accordance with the following schedule:

(a) Charges applicable to all connections:

- (1) Water system capacity charge: \$600.00. (except for fire protection connections):
- (2) Water service inspection fee: 60.00

(b) Charges applicable to connections for which the Village supplies the metering device and/or corporation cock, curb cock and buffalo box:

<u>Size</u>	<u>Tap Fee</u>	<u>Metering Device Charge</u>
(1) Five-eighths inch— three-quarters inch	\$ 0.00	\$250.00
(2) One inch	200.00	325.00
(3) One and one-half inch	250.00	400.00
(4) Two inches	325.00	500.00
(5) Over two inches	400.00	\$100.00, plus the actual cost of the water meter and all the required fittings.

(c) (1) Where property within the Village is connected to water mains originally installed at the expense of the Village, whether for domestic consumption, automatic sprinklers, standby fire protection or any other purpose, a water system connection charge determined as follows:

<u>Size of Tap</u>	<u>Charge for Each Connection</u>
1 inch	\$ 1,900.00

1 1/2 inch	\$ 2,200.00
2 inch	\$ 2,400.00
4 inch	\$ 2,900.00
6 inch	\$ 6,500.00
8 inch	\$11,800.00
10 inch	\$ 18,300.00
12 inch	\$26,300.00
14 inch	\$35,700.00
16 inch	\$46,400.00

The connection fee shall be based upon the size of the domestic tap. Connection fee shall not be charged for fire protection connections.

(2) At least one-half of this charge shall be paid at the time of application. At the option of the applicant, and only if the applicant is the owner of the property, the balance may be paid, without interest, by means of a surcharge on metered water consumption at a rate of \$1.35.

(3) In the event the applicant elects to pay the balance of the connection charge by means of a surcharge on water consumption, the Village shall file with the recorder of DuPage County, a lien covering the amount of unpaid water system connection charges, which lien shall contain a description of the property benefited by such water system connection sufficient for identification thereof; the date of connection to the water system; and the existence of a surcharge on water service. Upon payment of the balance due, after the lien has been filed, the Village shall issue a release of such lien, which may be filed in said recorder's office.

(d) Where connection is to be made to a water main installed at the expense of another party pursuant to agreements or letters of understanding between the Village and the installer which provide for recovery of installation costs by means of a connection charge, a water main connection fee as established by any such applicable agreement shall be charged.

(e) If water is to be consumed prior to the installation of the metering device, there shall be a construction water charge, as follows:

Single-family residence	\$45.00
Multiple-family residence	\$90.00
Commercial or industrial structure	\$90.00

A special charge in an amount determined by the water department may be assessed at the time of application for temporary water service if such service is to be used for purposes with a high rate of consumption. (Ord. No. 2942, § 1; Ord. No. 3336, § 6.)

25-41. Connections outside Village, annexation agreement required.

The Village may, upon approval by the Village Council, furnish water to persons outside the Village corporate limits in accordance with specifications on file in the Village offices and upon the conditions herein.

(a) Any person owning property outside the Village limits who seeks to obtain connection of such property to the Village water system shall, as a condition of such connection, be required to execute and file with the Village an annexation petition. Owners of property not contiguous to the Village limits shall also be required to execute an annexation agreement.

(b) The Village Council is hereby authorized to enter into such an agreement with one or more owners of record of property outside the Village limits as a condition for connecting such property to the Village water system, such agreement to be binding upon the parties and their successors and assigns from the date of execution thereof subject to the following requirements:

(1) Such agreement shall provide that a petition for annexation to the Village shall be executed by the owners of record, within thirty days after subject property becomes contiguous to the Village, in the event that the owners executing the agreement are not the owners of record at that time.

(2) Such agreement shall provide that the Village will connect the property to the Village water system as promptly as practicable after execution of the agreement, subject to the requirements and provisions of the Village Code and to payment of the required connection fee.

(3) The annexation agreement shall be executed by the Mayor and be attested by the Clerk of the Village upon approval of the Village Council. (Ord. No. 2942, § 1.)

25-42. Specifications for main extensions and water service connections.

(a) All work done and material used in connection with the installation of water mains, the tapping of water mains and the installation of service pipes and appurtenances, and the disconnection of any water service connection shall be done under the direct supervision of the Village Manager or his authorized representative and shall be in accordance with specifications on file and available for public inspection in the Village offices.

(b) No water service connection or disconnection from the main to the metering device shall be covered at any point until an inspection has been made and the installation approved by the water department of the Village.

(c) In the event that a water service connection is installed and covered without an inspection by the Village, the owners of the premises served by such unlawful water service connection shall be liable to the Village for charges for the estimated water usage for the period from the date the permit for such water service connection was issued by the Village until the date that the Village had knowledge of the unlawful connection. The estimated usage shall be the average usage of a single-family residence or a business of like nature, as applicable, for the relevant period. (Ord. No. 2942, § 1.)

25-43. Water main and water service connections.

All water main extensions and water service pipes and accessories from the water main to the metering device shall be installed at the expense of the property owner or the applicant for the service, except when the Village has agreed to accept responsibility for initial installation of water mains under a water main extension program.

Water main extensions and water service connections from the water main to and including the curb box valve located within a dedicated right-of-way or water utility easement granted to the Village shall become

the property of the Village upon acceptance of the extension of service by the Village. Water pipes and appurtenances from the curb box or valve to the metering device remain the property of the property owner or the applicant. The water metering device shall be the property of the Village. (Ord. No. 2942, § 1.)

25-44. Maintenance and repair of water main extensions and water service pipes.

Upon acceptance by the Village, water main extensions and water service connections from the water main to and including the curb box or valve located within dedicated right-of-way or water utility easements granted to the Village shall be maintained by the Village. Water pipes and accessories from the curb box to the meter shall be kept in good repair at all times at the expense of the owner of the premises served. Fire protection service lines, connected to the water main pursuant to Section 25-47 shall be maintained at the expense of the owner of the premises served. (Ord. No. 2942, § 1.)

25-45. Leaks in mains, service pipes or accessories; repairs.

(a) Repairs shall be made whenever the owner or occupant of the premises served has knowledge, through his own observation or through information brought to his attention, of water leaking from the service pipes or accessories.

(b) Within three days of receipt of a written notice from the water department of a leak in service pipes, accessories or water main extensions not yet accepted by the Village, the owner or occupant shall arrange to have such leak repaired and shall inform the water department of the action to be taken. Repairs shall be completed within ten days of receipt of the written notice from the water department.

(c) If repairs are not scheduled or completed within the time limits of subsection (b) herein, the Village may discontinue water service until the repairs are completed.

(d) If repairs are not completed by the owner of water main extensions not yet accepted by the Village, the Village may complete or have completed such necessary repairs and charge the owner for the actual cost incurred.

(e) The water department will arrange to shut off the water to allow repairs whenever such notice is given that such repairs are contemplated. (Ord. No. 2942, § 1.)

25-46. Installation of replacement water service pipes.

Wherever water service pipes between the curb box or valve and the metering device are found by the water department to be in such deteriorated condition that repair would not assure that unreasonable waste of water or frequent disruption of water service would not continue, new service pipes shall be installed at the expense of the owner of the premises served by such pipes in accordance with specifications on file in the Village offices. In the event the service pipes to be replaced are found to be connected with other service pipes, the Village shall install new service pipes tapped or connected directly to the water main and the Village shall have the right to enter the property to complete said installation. Replacement of water service pipes for the purpose of upgrading or increasing in size is the responsibility of the owner of the premises. All replacements must be from metering device to main in cases of upgrading or size increases. (Ord. No. 2942, § 1.)

Article IV. Fire Protection System

25-47. Authority to install; installation generally.

All customers of the Village's water system, by obtaining a permit, shall be privileged to make a separate connection to the Village's water mains, to be used exclusively for fire protection. Such connection to the water system shall be performed by a licensed plumber and under the direction of the Village in accordance with Village specifications. (Ord. No. 2942, § 1.)

25-48. Installation of meters.

All water lines serving fire protection equipment, including automatic sprinkler systems and stand pipe systems, as provided for in the preceding section, shall be metered with a detector check meter or other type of metering device that indicates water flow, and a charge at the usual rates in effect from time to time shall be made for the usage of water obtained from or through such lines. (Ord. No. 2942, § 1.)

25-49. Report of water use.

The Fire Department shall furnish a report to the water department containing an accurate estimate of the amount of water drawn from the water system for each instance in which water is taken from the system for purposes of testing or extinguishing fires. (Ord. No. 2942, § 1.)

25-50. Estimate of water used by fire department through hydrants.

The fire chief shall report annually to the water department an estimate of all water taken from the water system through unmetered sources by the fire department. (Ord. No. 2942, § 1.)

Article V. Cross Connections/Backflow Prevention Requirements.

25-51. Cross-connection prohibited; backflow prevention device required.

No person shall establish or permit to be established or maintain or permit to be maintained any connection of a nonpublic water supply to the public water supply of the Village, excluding any water system interconnections the Village may establish. Backflow prevention devices shall be installed where required under this Article and in accordance with Illinois Environmental Protection Agency Regulations, specifically Ill. Admin. Code, Title 35, Section 653.803. (Ord. No. 2942, § 1; Ord. No. 3301, § 2.)

25-52. Private water wells; permit required.

(a) For purposes of this section, the following terms shall be defined as follows:

Person - any individual, partnership, co-partnership, firm, company, limited liability corporation,

association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or employees.

Potable Water - any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food.

Groundwater - is any underground water which occurs within the saturated zone and geological material where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(b) Except for such uses or methods in existence prior to February 19, 2002, the use or attempt to use by any person, including the Village of Downers Grove, as water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

(c) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, any location within the corporate limits of the Village.

(Ord. No. 2942, § 1; Ord. No. 3301, § 3.)

25-53. Backflow preventers required for certain facilities.

(a) If the director of public works or his designee determines that an industrial or commercial facility is an actual or potential hazard to the public water supply system, the owner or occupant of the property shall install a backflow prevention device on the water service pipes/lines which connect the industrial or commercial facility to the public water supply system. The following types of facilities are presumed to pose an actual or potential hazard unless the director of public works or his designee, upon certification from a cross-connection control device inspector (CCCDI), determines that the building does not pose an actual or potential hazard to the public water supply: (1) hospitals, mortuaries, clinics, nursing homes; (2) laboratories; (3) sewage treatment plants, sewage pumping stations or stormwater pumping stations; (4) food or beverage processing plants; (5) chemical plants; (6) metal plating industries; (7) petroleum processing or storage plants; (8) radioactive material processing plants or nuclear reactors; (9) car washes; (10) pesticide, or herbicide or extermination plants and trucks; (11) farm service and fertilizer plants and trucks. The aforementioned listing is not exhaustive and the director of public works or his designee may determine that other facilities not listed above pose an actual or potential hazard to the public water supply system.

(b) Any property owner or occupant notified in writing of a determination that the facility poses an actual or potential hazard to the public water supply system shall within ninety days of receipt of the notice install the required backflow prevention device at his or her expense and provide the director of public works or his designee with a certificate of inspection from an approved cross-connection control device inspector (CCCDI). (Ord. No. 3301, § 4.)

25-54. Lawn sprinkler systems.

A reduced pressure principle backflow preventer (RPZ) shall be installed on all lawn sprinkler and water irrigation systems. For those systems installed and existing at the time of adoption of this ordinance, the owners or operators thereof will have until May 1, 1997, to install the required RPZ at his or her expense.

and provide the director of public works or his designee with a certificate of inspection from an approved cross-connection control device inspector (CCCDI).

25-55. Fire Safety System Requirements.

(a) The installation of any fire safety system shall comply with the backflow prevention requirements of Illinois State Plumbing Code as adopted in Section 16-2.

(b) Fire safety systems in existence on the date of adoption of this ordinance shall have a reduced pressure principle backflow preventer (RPZ) installed at the fire safety system's point of connection to the potable water supply when:

(1) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow prevention assembly); or

(2) Non-potable water flows into the fire safety system by gravity; or

(3) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or

(4) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)

25-56. Testing of backflow prevention devices; inspections; right to enter property; penalties.

(a) The owner or occupant of property required to install a backflow prevention device under this article under the Downers Grove Plumbing Code (Chapter 16), shall have the device tested annually at his or her expense by a person approved by the Illinois Environmental Protection Agency as a cross-connection control device inspector (CCCDI). This certificate of inspection shall be immediately filed with the director of public works or his designee. Each RPZ shall have a tag attached listing the date of the most recent test, name of the CCCDI, and type and date of repairs. The owner shall maintain a maintenance log including (1) date of each test; (2) name and approval number of person performing the test; (3) test results; (4) repairs or servicing required; (5) repairs and date completed; and (6) service performed and date completed. The backflow prevention device shall be maintained in good working condition by the owner.

(b) The director of public works or his designee shall enforce the provisions of this article in accordance with such regulations and specifications for control of cross-connections as may be promulgated by the water department, from time to time, and shall cause surveys and investigations to be made of commercial, industrial and other properties served by the Village's water supply to determine whether actual or potential hazards to the Village's water supply may exist. Such surveys and investigations shall be repeated at least every two years, or as often as the director of public works or his designee shall deem necessary. Public records of such surveys shall be maintained and available for review for a period of at least five years.

(c) The director of public works or his designee shall have the right to enter at any reasonable time any property served by a connection to the Village's water system for the purpose of determining whether there exists on the property any connection in violation of this article, and for the purpose of verifying any information submitted by the customer concerning such connection and the required backflow prevention device. On demand, the owner, lessees or occupants of any property so served shall furnish to the director of public works or his designee any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the director of public works or his designee, be deemed evidence of the presence of improper connections as provided in this article.

(d) The director of public works or his designee is hereby authorized and directed to discontinue the water service to any property after reasonable written notice to the occupant thereof, if it is determined that any connection in violation of the provisions of this article exists. The director of public works or his designee may take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the Village's water system. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this article and until a shut-off and reconnection fee is paid to the Village. Immediate disconnection upon verbal notice shall occur if the director of public works or his designee reasonably determines that the imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party shall occur if the director of public works or his designee reasonably determines that such action is necessary to prevent actual or anticipated contamination or pollution of the public water supply. Neither the Village, the director of public works or his designee, nor its agents shall be liable to any customer for any injury, damages or lost revenues which may result from termination of a customer's water supply in accordance with the terms of this section.

If contamination of the Village's water system occurs through an illegal cross-connection or improperly installed, maintained or repaired or bypassed backflow prevention device, the water customer or property owner or occupant responsible for any such backflow must bear the cost of cleanup of the Village's water system. In addition to any other legal remedy to collect such costs, such costs shall constitute a lien on such property which shall be filed by the Village Treasurer with the recorder of DuPage County. (Ord. No. 33 § 4.)

25-57. Violation declared a public nuisance.

It is hereby found and declared that any violation of any of the provisions of this article is a public nuisance and shall be subject to injunctive relief in addition to any other penalties provided for under this Code or under applicable law. (Ord. No. 2942, § 1.)

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